

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,  
Plaintiff,

v.

MICHAEL R. O'NEILL  
Defendant,

and

VANGUARD GROUP  
Garnishee.

1:04-CR-10231-006-MLW

REQUEST FOR HEARING

☒ I hereby request that the Court conduct a hearing in the above matter because:

☒ I do not owe the money that the United States says I do.

☒ The property that the United States is taking is exempt. See attached completed Claim for Exemption Form.

Send Notice of the hearing to me by mail at:

c/o Zarwin Baum DeVito Kaplan Schaer & Toddy PC

(Address) ATTN: Joseph M. Toddy, Esq.  
1515 Market St., 12th Floor, Philadelphia PA 19102

5/8/07  
Date

/s/ Michael R. O'Neill  
Signature of defendant

Michael R. O'Neill  
Defendant's typed or printed name

\* \* c r i m i n a l M V R A c a s e s \* \*

**CLAIM FOR EXEMPTION FORM**  
**EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. 3613)**

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- ☒ 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- ☒ 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed \$6,250 in value.
- ☒ 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$3,125 in value.
- ☐ 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- ☒ 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.
- ☐ 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- ☐ 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

\* \* c r i m i n a l M V R A c a s e s \* \*

8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.
10. Assistance under Job Training Partnership Act.  
--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.
- X   11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

  X   I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

Zarwin Baum DeVito Kaplan Schaer & Toddy, PC

ATTN: Joseph M. Toddy Esq \_\_\_\_\_ or telephonically at (215) 569-2800

Address 1515 Market St., 12th Floor  
Philadelphia PA 19102

Phone No. x.111

Michael R. O'Neill  
Debtor's printed or typed name

/s/Michael R. O'Neill 5/8/07  
Signature of debtor Date

CERTIFICATE OF SERVICE

We, Joseph S. Oteri, and Joseph M. Toddy, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 8, 2007.

/s/Joseph S. Oteri

Joseph S. Oteri

/s/ Joseph M. Toddy

Joseph M. Toddy